



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Mark S. ABAD *et al.*

Art Unit: Not Yet Assigned

Appln. No.: 09/615,606

Examiner: Not Yet Assigned

Filed: July 13, 2000

Atty. Docket: 16517.001 38-21(15444)C

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

RECEIVED

OCT 11 2002

**Petition to Revive
Unintentionally Abandoned Patent Application
under 37 C.F.R. § 1.137(b)**

OFFICE OF PETITIONS

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby petition for revival of the above-captioned application under 37 C.F.R. § 1.137(b). The Commissioner is hereby requested to charge \$1280.00, to cover the petition fee set forth in 37 C.F.R. § 1.17(m), to Deposit Account No. 50-2387, referencing matter no. 16517.001/15444C. A duplicate copy of this petition is enclosed.

On July 13, 2000, the above-captioned application was filed with a Transmittal Form PTO/SB/05 directing official correspondence to be sent to Applicants' representative, Monsanto Company in St. Louis, Missouri (Exhibit A). A copy of a date-stamped postcard indicating receipt of the application and the Transmittal Form PTO/SB/05 on July 13, 2000 by the United States Patent and Trademark Office/Office of Initial Patent Examination is attached hereto as Exhibit B.

On September 9, 2002, a Notice of Abandonment was mailed to Applicants' representative at Monsanto Company, alleging that the above-identified application "is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on September 13, 2000." A copy of a Notice to File Missing Parts with a mailing date of September 13, 2000 was enclosed with the Notice of Abandonment, both of which are attached hereto as Exhibit C. Applicants were unaware of the outstanding Notice to File Missing Parts.

10/11/2002 RUDBAF1 00000036 502387 09615606

01 FC:141 1280.00 CH

Applicants hereby petition for revival of the above-identified application under 37 C.F.R. §1.137(b), which allows for revival of an abandoned application if the delay in responding to an Office Action is unintentional. Accompanying this petition is a reply to the Notice to File Missing Parts. The Commissioner is hereby requested to charge \$1280.00, to cover the petition fee set forth in 37 C.F.R. §1.17(m), to Deposit Account No. 50-2387, referencing matter no. 16517.001/15444C. A duplicate copy of this petition is enclosed.

In light of the above, the entire delay in filing the required reply from the due date for the reply (*i.e.* November 13, 2000) until the filing of this petition was unintentional. Applicants hereby petition for revival of the above-identified application.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2387, referencing matter number 16517.001/15444C. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Lawrence M. Lavin, Jr.
by J. E. Cohan

Lawrence M. Lavin, Jr. (Reg. No. 30,768)
by June E. Cohan (Reg. No. 43,741)

Date: October 9, 2002

MONSANTO COMPANY
Patent Department, E2NA
800 N. Lindbergh Blvd.
St. Louis, MO 63167
(314) 694-3602 Telephone
(314) 694-1671 Facsimile